

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Manuel AGUILAR-Torres,

Defendant

Magistrate Docket No. 4

2008 FEB -4 08 MJ 0304

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 1, 2008** within the Southern District of California, defendant, **Jose Manuel AGUILAR-Torres**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF FEBRUARY 2008.



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Manuel AGUILAR-Torres****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 1, 2008, at approximately 6:30 a.m. Border Patrol Agent E. Vito was performing line watch duties near an area known as the "91X". This area is approximately five miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Boundary Fence. "91X" is an area notoriously used by illegal aliens to further their illegal entry into the United States.

Dispatch advised Agent Vito, via service radio, of a seismic intrusion activation. Agent Vito responded to the reported location and searched the area. After a brief search, Agent Vito located five individuals attempting to conceal themselves in the brush. One of these individuals was later identified as the defendant **Jose Manuel AGUILAR-Torres**. Agent Vito identified himself as a United States Border Patrol Agent and questioned all five individuals, including the defendant, as to their nationality and country of citizenship. All five, including the defendant, freely admitted to being citizens and nationals of Mexico, and that they possessed no immigration documentation permitting them to enter or remain in the United States legally. Agent Vito arrested all five individuals, including the defendant, and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 23, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

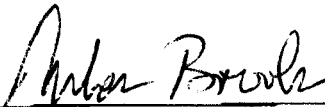
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on February 2, 2008 at 10:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 1, 2008**, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks
United States Magistrate Judge

2/2/2008 at 12:15 p.m.
Date/Time